

Chapter 5 - Special Requirements and Exemptions

This chapter directs your attention to provisions of State laws and regulations regarding housing occupancies that may not be commonly known.

Accessibility in Multifamily Dwellings- Accessibility regulations in CCR Title 24, Part 2, 3, and 5, apply to “covered multifamily dwellings” as defined in Section 1102A.3-C in CCR Title 24 Part 2. The existing definition of “covered multifamily dwelling” is planned for improvement in order to address more possibilities. This terminology “covered multifamily dwellings” stems from federal law and regulations. Accessibility requirements apply to newly constructed multifamily housing accommodations and related facilities. The following is a listing of the types of multifamily dwellings that are considered “covered multifamily dwellings” subject to accessibility regulations when not owned by public agencies. Future adoptions in Title 24 by HCD will include this list:

- Apartment buildings with 3 or more dwelling units.
- Condominiums with 4 or more dwelling units.
- Lodginghouses, as defined in Chapter 2 of the California Building Code, when used as a residence with 3 or more guest rooms.
- Congregate residences, as defined in Chapter 2 of the California Building Code.
- Dwellings with 3 or more efficiency units, as defined in Chapter 2 of the California Building Code or Health and Safety Code Section 17958.1.
- Shelters for the homeless, not otherwise subject to the disabled access regulations of the Division of the State Architect - Access Compliance Unit.
- Dormitories, as defined in Chapter 2 of the California Building Code.
- Time-Share Dwellings with 3 or more units, except for condominiums covered in item number 2 above.
- Other Group R Occupancies in multifamily dwellings, which are established by the Office of the State Fire Marshal in Chapter 3 and Appendix Chapter 3A of the California Building Code.

The phrase “newly constructed” is defined in section 1102A.14-N of CCR Title 24, Part 2, as being “a building that has never before been used or occupied for any purpose.” Thus, accessibility regulations do not apply to multifamily dwellings constructed prior to April 15, 1992, when accessibility regulations became effective. Accessibility regulations do not apply to the alteration, repair, rehabilitation or additions to existing multifamily dwellings. This exemption only applies to multifamily housing dwelling units intended for private use.

Accessibility requirements of Chapter 11A, of CCR Title 24, Part 2, apply to all common use areas of newly constructed housing when publicly funded. Under State law the accessibility requirements of Chapter 11B are applicable to all public housing and the requirements of Chapter 11A to all other residential occupancies.

Abatement of Substandard Housing- The State Housing Law (Health and Safety Code sections 17980 through 17992) and the implementing HCD regulations in CCR Title 25, Chapter 1, Subchapter 1, sections 48 through 70, provide procedures for abatement of nuisances, substandard conditions, and seismic hazards, which are specific and preemptive of any model code provisions on the subject. The abatement process is the subject of another handbook being developed by HCD.

Alterations to Existing Housing- Unless substandard under Health and Safety Code Section 17920.3, the State Housing Law (Health and Safety Code section 17958.8) requires local rules to permit the replacement, retention and extension of original materials and methods of construction when alterations and repairs are made to existing hotels, motels, lodginghouses, apartments and dwellings.

Certification and Continuing Education for Local Enforcement Personnel- The California Building Standards Law (Health and Safety Code sections 18949.25 through 18949.31) requires inspectors, plan examiners and building officials to be certified in the applicable codes, plus complete 45-hours of continuing education in every three years of employment.

Relocated Residential Occupancies- Unless substandard, the State Housing Law (Health and Safety Code sections 17922.3 and 17958.9) requires local rules to permit the retention of existing materials and methods of construction in relocated apartment buildings and dwellings.

Roof Covers- Health and Safety Code section 13132.7, requires Class A, B or C roofing material depending upon the designated fire hazard severity zone as determined by the Director of Forestry and Fire Protection or the local agency. This requirement is effective when more than 50% of the total roof area is replaced in any one-year period, every new structure, and when any roof covering is applied in the alteration, repair or roof replacement. This is more restrictive than the model codes.

Preliminary Soil Investigation- The State Housing Law (Health and Safety Code section 17953 through 17957) establishes requirements for local ordinances and procedures for preliminary soil investigations, reports and enforcement that is more restrictive than the language in the model code or CCR Title 24 at this time. The requirements of this law apply to sites for housing construction.

Smoke Detectors- Health and Safety Code section 13113.7 and 13113.8, establish requirements for smoke detectors in existing dwellings when sold, or when \$1,000 in repairs, alterations or additions is performed. Maintenance and inspection requirements are also established. The requirements are generally more restrictive than model codes.

Unvented Heaters and Unvented Decorative Gas Logs and Fireplaces- Health and Safety Code, Division 13, Part 3, commencing with section 19881, prohibits the sale of new or used unvented gas burning heaters and fireplace logs for use inside dwellings. These provisions of law allow the adoption of State regulations permitting the sale and use of unvented gas burning decorative logs and fireplaces, that meet standards adopted by HCD and the State Department of Health Service. To date, no such standard has been developed.

Straw Bale Construction- The California Building Standards Law (Health and Safety Code, Division 13, Part 2.5, commencing with section 18944.30) allows local government to permit straw bale construction methods for structures, including single-family dwellings, and provides construction guidelines.

Residential Hotels- Health and Safety Code section 50519(c), establishes encouragements and requirements for the rehabilitation of residential hotels, as defined, and a model code to be developed by HCD and the Office of the State Fire Marshal. The model code is available from HCD upon request.

Limited Density Owner-Built Dwellings- The State Housing Law (Health and Safety Code section 17958.2) and the implementing HCD regulations in California Code of Regulations, Title 25, Chapter 1, sections 74 through 134, provide for local ordinances to allow the construction of owner-built housing in limited density rural areas, as defined, without normally required electrical, mechanical, and plumbing facilities and equipment.

